

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6419**

**BILL NUMBER:** SB 172

**NOTE PREPARED:** Feb 8, 2003

**BILL AMENDED:** Feb 6, 2003

**SUBJECT:** Operating a Vehicle While Intoxicated.

**FIRST AUTHOR:** Sen. Young R Michael

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It makes the offense of operating a motor vehicle while intoxicated as a Class A misdemeanor a Class D felony if at least one passenger less than 18 years of age was in the vehicle if the driver is over the age of 21.

(B) It prohibits persons who have been convicted of certain offenses involving operating a motor vehicle while intoxicated from obtaining a probationary license.

(C) It requires a court to recommend lifetime suspension of driving privileges for persons who have two convictions of operating a motor vehicle while intoxicated and causing death.

(D) It increases or establishes mandatory jail time for persons convicted of committing certain offenses involving operating a motor vehicle while intoxicated.

(E) It provides that: (1) assessments for alcohol and drug abuse; or (2) an alcohol or drug abuse program must be conducted by certain persons.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is

approximately ten months. The court would be able to suspend only the sentence in excess of the six-month minimum sentence for repeat offenders convicted of the Class D felony.

**Explanation of State Revenues:** (Revised) More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

If a criminal action, infraction, or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either \$0.50 or \$25.50 is assessed.

The extent of the impact of *Provision B* is not known at this time. This portion of the note will be updated when additional information is available.

**Explanation of Local Expenditures:** If an offender is sentenced to state prison rather than to a county jail, costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. However, mandatory minimum sentences longer than the average sentence otherwise given, will increase costs to incarcerate offenders in county jails. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852